

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONSUMER PROTECTION
ADMINISTRATORS, INC.,

No. 07-51015

Plaintiff,

District Judge David M. Lawson

v.

Magistrate Judge R. Steven Whalen

SHASH K. TEJPAUL and
GAIL M. DUNCAN,

Defendants.

_____/

**ORDER CONDITIONALLY GRANTING MOTIONS FOR
INSTALLMENT PAYMENTS**

Before the Court are motions for installment payments filed by Defendants Tejpaul and Duncan [Docket nos. 52 and 56, respectively]. A hearing on these motions was held on August 4, 2008. Defendant Gail M. Duncan appeared without counsel; Defendant Shash K. Tejpaul did not appear.

These motions arise out of a judgment entered in the United States District Court for the Northern District of Illinois, in favor of the Plaintiff and against the Defendants, jointly and severally, in the amount of \$1,335,192.64. Defendants request that this Court authorize them to make installment payments in the amount of \$2,000.00 per month.

M.C.L. §600.6201 provides that the court, “upon proper showing made by the defendant with both parties or their attorneys present in court, may make a written order

permitting the defendant to pay the judgment in installments, at such times and in such amounts as in the opinion of the judge, the defendant is able to pay.” The existence of an order for installment payments stays the issuance of a writ of garnishment during the period that the defendant complies with the order. M.C.L. §600.6215(2). However, an order for installment payments “shall not prohibit a plaintiff from taking any legal means for the collection of a judgment excepting the garnishment” of wages. M.C.L. §600.6245.

At the hearing on August 4, 2008, Plaintiff’s counsel indicated that he did not oppose entry of an order permitting the Defendants to make installment payments of \$2,000.00 monthly, subject to his right to “cross-examine the [Defendants] as to the facts set forth in the motion.” M.C.L. §600.6215(1).

Accordingly, the Defendants’ motions for installment payments [Docket nos. 52 and 56] are **CONDITIONALLY GRANTED**, pending a hearing pursuant to M.C.L. §600.6215(1). Until further order, Defendants shall pay \$2,000.00 to the Plaintiff monthly, commencing on September 2, 2008 and the second of every month thereafter, to apply on the judgment.

Both Defendants shall appear before the Honorable R. Steven Whalen, United States Magistrate Judge, Courtroom 662, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226, on September 8, 2008, at 10:30 a.m., to submit to cross-examination regarding the facts set forth in their motions, as provided by the above statute. Defendants should be prepared to support their claims with appropriate

documentation.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 5, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on August 5, 2008.

S/Gina Wilson
Judicial Assistant